

PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, JULY 14, 2009
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL held on TUESDAY, JULY 14, 2009 in the COUNCIL CHAMBERS located at CITY HALL, 201 SOUTH CORTEZ STREET, Prescott, Arizona.

◆ **CALL TO ORDER**

Mayor Wilson called the meeting to order at 3:00 p.m.

◆ **INTRODUCTIONS**

◆ **INVOCATION**

Rabbi William Berkowitz of Temple B'rith Shalom gave the invocation.

◆ **PLEDGE OF ALLEGIANCE:**

Councilman Lamerson led the Council and audience in the Pledge of Allegiance.

◆ **ROLL CALL:**

PRESENT:

Mayor Wilson
Councilman Bell
Councilman Lamerson
Councilwoman Lopas
Councilman Luzius
Councilman Roecker
Councilwoman Suttles

ABSENT:

None

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

Mr. Norwood publicly thanked Chief Oaks for his three and one half years of service. He said that Chief Oaks had done a great job and that he will be successful in whatever he does in the future. There will be an event later, as it gets closer to the date.

I. PUBLIC COMMENT

- A. Frank Creelman re issues related to the Fourth of July Parade.

Mr. Creelman was not present.

II. PRESENTATION

- A. Presentation on Parks, Recreation and Library Month activities.

Ms. Horton said that July was National Parks and Recreation Month. She showed a presentation and thanked the many volunteers for their help. She introduced the Parks and Recreation Advisory Board. She said the different projects were the following, and she introduced staff from each department.

- ▶ Mayor's Youth Advisory Council
- ▶ Sports
- ▶ Field maintenance
- ▶ Trails
- ▶ Public Library
- ▶ Special Needs Activity Program (SNAP)

Mayor Wilson gave a proclamation to Ms. Horton. He said the one of the true strengths of the City is the volunteers who come out of the woodwork. They get more volunteers when times get tough. The Greenways Phase Two is one and one half blocks from downtown. Signs will be going up. He thanked all of the volunteers for making Prescott a paradise.

The SNAP group then signed a song as Jeri Campbell sang it.

III. CONSENT AGENDA

CONSENT ITEMS A THROUGH H LISTED BELOW MAY BE ENACTED BY ONE MOTION. ANY ITEM MAY BE REMOVED AND DISCUSSED IF A COUNCILMEMBER SO REQUESTS.

COUNCILMAN BELL MOVED TO APPROVE THE CONSENT AGENDA ITEMS III-A THROUGH III-H; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.

- A. Purchase two side-load refuse trucks with extended warranty from Trucks West of Phoenix in the amount of \$455,700.00.

- B. Adopt Ordinance No. 4707-1002 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending the Prescott City Code by Amending Title IV, Chapter 4-12 regarding Cable Television Systems.
- C. Adopt Ordinance No. 4706-1001 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, levying upon the assessed valuation of the property within the City of Prescott, subject to taxation, a certain sum upon each one hundred dollars (\$100.00) of valuation sufficient to raise the amount estimated to be required in the annual budget, less the amount estimated to be received from other sources of revenue; providing funds for various bond redemptions for the purpose of paying interest upon bonded indebtedness, and providing funds for the general municipal expenses, all for the fiscal year ending the 30th day of June, 2010.
- D. Approve annual support and licensing agreement with Tyler Technologies for Munis software in the amount of \$79,160.00.
- E. Adopt Resolution No. 3975-1001 - A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into an Intergovernmental Agreement (“IGA”) with Yavapai County Office of Emergency Management that establishes Unified Emergency Management for the tri-city area and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- F. Approve a Professional Services Agreement with Corollo Engineers in an amount not to exceed \$438,605.00 for the Airport Zone Production/Recovery Well Site Project.
- G. Award contract to C&S Engineers, Inc. in the amount of \$210,325.00 (City Share \$30,325.00) for providing environmental services at the airport in accordance with the U.S. National Environmental Policy Act (NEPA) requirements.
- H. Approve minutes of the Prescott City Council Public Workshop held on May 26, 2009, the Joint Special Meeting/Study Session of June 2, 2009, the Regular Voting Meeting of June 9, and the Joint Special Meeting/Study Session of June 16, 2009.

IV. REGULAR AGENDA

Mayor Wilson pulled item C (Commission on Aging) at the request of Mr. Adams.

- A. Public Hearing and consideration of a liquor license application from Robert Thomas Pike, applicant for Piper Premium Beverages, for a Series 4, Wholesaler, license for Piper Premium Beverages located at 697 Sixth Street #104. (Public Hearing)

Ms. Burke reviewed the application, noting that the property had been posted, no public comments had been received, and the applicant was present for any questions.

COUNCILMAN LAMERSON MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMAN ROECKER; PASSED UNANIMOUSLY.

COUNCILMAN LUZIUS MOVED TO APPROVE A LIQUOR LICENSE APPLICATION FROM ROBERT THOMAS PIKE, APPLICANT FOR PIPER PREMIUM BEVERAGES, FOR A SERIES 4, WHOLESALER, LICENSE FOR PIPER PREMIUM BEVERAGES LOCATED AT 697 SIXTH STREET #104; SECONDED BY COUNCILMAN BELL; PASSED UNANIMOUSLY.

- B. Approval of City of Prescott Resolutions to be presented to the Resolutions Committee of the League of Arizona Cities and Towns. (Pulled from Consent Agenda by all Council)

Ms. Tucker said that last week there were five resolutions that Prescott was considering to approve for the League's Resolution Committee. There were many other cosponsorship requests. Several of those have gone away because they got their necessary cosponsors.

Three of the five from Prescott were approved and submitted last year and adopted by League, but never made it to legislation. The first one was about getting communities greater input into liquor licenses at the State level. The second one is to allow cities to use a price range in a Request for Proposal for professional services as one of the criteria for judging the proposals and the third one is to allow municipalities to charge actual cost when public records requests are made that entail hours of staff time and copying and product.

The two new resolutions this year from Prescott would be number four which would clarify steps for City Clerks to take when nominating petitions are submitted. The fifth one is to allow for independent agency review of election concerns.

Councilwoman Suttles asked how many times the resolutions can be put before the committee.

Ms. Tucker said that there are no restrictions. The League Resolution Committee is the final determinant of whether or not the League will officially adopt the resolutions.

Councilwoman Suttles asked if they are voted on each time they are brought back to the League. Ms. Tucker said yes.

Ms. Tucker went through the cosponsorship requests, both from Yuma. The first was about allowing public notices to be posted on the website instead of having to print it in a local newspaper. That has received the cosponsorship necessary, and they are not requesting Prescott's cosponsorship anymore.

The second one was to allow for cities to provide emergency ambulance services.

There were four resolutions from Flagstaff. All four have received cosponsorship.

Oro Valley still needs support for the Heritage Fund and to keep Legislature from diverting it each year. It is funded by lottery revenues and it goes to support state parks activities.

Sierra Vista's request deals with County islands. Prescott does not have County islands so they do not need to vote on it.

Sedona had one for changing the valuation of State Trust Land to include open space and other natural resources. There were some objections last week so Council does not need to cosponsor.

Councilman Lamerson said that he was in contact, as per suggestion from the City Attorney, with Legislative Council, Marge Ray, in regards to state statutes and petitions for nominations. He feels that there is some confusion over what statutes permit. He would like to get some clarification. For Mr. Kidd's sake, he did get Marge Ray's email and some time in near future before they go down to the League, they could get some clarification so they know what they are talking about.

Mayor Wilson said that there is a resolution that has to do with verification of candidate nomination petitions. He thinks that Councilman Lamerson is talking about initiatives.

Councilman Lamerson said that nomination petitions is specifically what he talked to Marge Ray about. There are some specific statutes about what a municipality can do. He recommends that legal counsel talk with legislative counsel and give them more information.

Mayor Wilson asked what the timeline was.

Ms. Tucker said that the resolutions were due last Friday. They were given a little leeway. If they want to submit the resolution, they can always withdraw before the League meeting, or not submit it.

Councilwoman Suttles asked Mr. Lamerson if he was looking at resolutions four and five.

Councilman Lamerson said that he is trying to get clarification on what is within State Statute. There are some things that she shared with him that would raise concern with him representing the City and asking the League to do something that may be in violation to ask the Clerk to do.

Mr. Kidd said that this is their research project on this issue. It is comprehensive. The clerk followed what the League has recommended. It gets into constitutional issues, article 4 part 2 section 19 says that no local of special laws shall be enacted in any of the following cases. Section 11 provides conduct of elections.

They are left with looking at the statutory scheme and the law provides that if the state is engaged in a comprehensive scheme, generally, we cannot do a special local law. There may even be some issues in charter.

The preferred approach would be to try to take a look at the statutes and define the statute. That was the intent. He would be glad to talk with the legislative counsel. He thinks that the City's resolution is fairly generic.

There is a case called Frohmiller which defines the clerk's duties as ministerial and it says if it is beyond that, then it is to be done in the court. Definitions in state statutes are the way to go.

Councilman Luzius said that he would hope for the sake of the trees that they would get this issue resolved. His preference would be to pass and withdraw if they need to.

Mayor Wilson asked if there were any objections on resolutions, other than #4 and #5.

COUNCILMAN LUZIUS MOVED TO SUBMIT THE FOLLOWING RESOLUTIONS TO THE LEAGUE OF ARIZONA CITIES AND TOWNS, PRESCOTT RESOLUTIONS 1, 2 AND 3 WHICH WERE ADOPTED BY THE LEAGUE AND RESOLUTIONS 4 AND 5 WHICH ARE THE NEW ONES WHICH PERTAIN TO THE ELECTIONS, WHICH THEY CAN

WITHDRAW; SECONDED BY COUNCILMAN ROECKER; PASSED UNANIMOUSLY.

COUNCILMAN LUZIUS MOVED TO COSPONSOR THE FOLLOWING RESOLUTIONS OF OTHER MUNICIPALITIES; YUMA, ENABLING PROVISIONS FOR EMERGENCY AMBULANCE SERVICES AND THE ORO VALLEY NUMBER 1 SUPPORT OF THE HERITAGE FUND; SECONDED BY COUNCILWOMAN LOPAS; PASSED UNANIMOUSLY.

Councilman Roecker asked if he opposed one of the two, what he should do. Councilman Bell said that there should be a separate vote on each.

Mayor Wilson asked Councilman Luzius to modify his nomination.

COUNCILMAN LUZIUS NOMINATED YUMA'S, NUMBER 2, ENABLING PROVISIONS FOR EMERGENCY AMBULANCE SERVICES; SECONDED BY COUNCILWOMAN LOPAS; PASSED 6-1 WITH COUNCILMAN ROECKER CASTING THE DISSENTING VOTE.

COUNCILMAN LUZIUS NOMINATED ORO VALLEY B, SUPPORT OF THE ARIZONA HERITAGE FUND; SECONDED BY COUNCILWOMAN SUTTLES; PASSED 6-1 WITH COUNCILMAN LAMERSON CASTING THE DISSENTING VOTE.

- C. Commission on Aging: (Pulled from Consent Agenda by Councilwoman Suttles)
1. Adoption of Resolution No. 3977-1003 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the creation of a Commission on Aging as a standing committee of the City of Prescott.
 2. Appointment of initial members to the Commission on Aging.

This item was pulled by Mayor Wilson at the beginning of the meeting.

- D. Public Hearing and adoption of Resolution No. 3976-1002 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, proposing an extension of the Alternative Local Expenditure Limitation. (Public Hearing)

Mr. Woodfill said that this was the second public hearing for consideration of putting the extension of the Alternative Local Expenditure Limitation on the ballot for November.

MAYOR MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.

**COUNCILMAN BELL MOVED TO ADOPT RESOLUTION 3976-1002;
SECONDED BY COUNCILWOMAN SUTTLES; PASSED
UNANIMOUSLY**

E. Lowe's Project: (Pulled from Consent Agenda by all Council)

1. Adoption of Resolution No. 3978-1005 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into an Intergovernmental Agreement ("IGA") with Yavapai County for building permit issuance, inspections and approvals for Yavapai County Assessor's Parcel Numbers 112-05-049, 112-09-183 and 112-09-226B (Lowe's).

Mr. Nietupski said that in follow up to last week's meeting there is an updated memo with discussion about performance and warranty bonds that will be a requirement for obtaining a permit to construct the retaining system on the Lowe's site.

The City currently holds \$1.6 million in the posted bond that was never released for the original construction on the project. In conjunction with that, Lowe's is agreeing to post another \$3.8 million for a total of \$5.4 million of performance bond to complete the work. \$1.6 million is subject to release on completion of the first phase of improvements. At the completion of all work, the City would retain a \$382,000 warranty bond which would remain in place for five years to assure that any subsequent issues with construction or landscaping are accomplished. There is a \$100,000 bond provided to the Homeowners Association of the Prescott Canyon Estates for a five year period also or the establishment of the landscaping.

There is a Memorandum of Understanding which recites the conditions and it is provided and recommended for approval. He said that Lowe's representatives were there.

Mayor Wilson said the he was glad that Lowe's brought their A team and invited them up to the microphone.

Councilman Bell said that he would like to hear from the Homeowners Association President. He said he was satisfied, but he would like to hear it again.

Bob Whiting, 2572 Hilltop Road, Prescott, said he expressed support for the plan and proposal Lowe's has made to prepare the collapsed wall, particularly the landscaping agreement they reached. They have put up a

proposal that they come up with \$100,000 bond and they have done that. In addition to what the City is proposing, they can supervise that over five years. Their Board has approved it.

Councilwoman Lopas asked what would happen if every plant died between both hills and what the cost would be. The landscaper answered that it would probably be around \$200,000.

Councilman Roecker asked if they had received his e-mail. They replied in the affirmative.

Councilman Luzius said he is pleased with schematics and plans that Lowe's has put forth. He wishes that it had been put forth a few years ago. He has spoken with several of residents. Although he is supportive of what Lowe's says they are going to do, he wants to make sure it is done and that they have the assurance that it will be done. He is concerned about streams and springs that have been covered up. Sometimes they find their own way. He is concerned with fact they could erode under some of the homes and cause them to collapse. Janie Hatfield will be 15 feet from where the buttress was going to be. Lowe's could do more and perhaps buy her home. He is also concerned with the Singleton's that live on hilltop and wants to make sure their views are nice. He does not think that Lowe's is doing enough.

Even though he is appreciative, he is going to vote against the items.

Councilwoman Lopas asked Mr. Kidd if they had any recourse if there were repairs in excess of the bonds. Mr. Kidd said that it would depend on the nature of the issue. If it were a construction defect or noncompliance with plans.

Councilwoman said that she was referring to the hill behind Lowes. The dirt is not healthy and she has a concern that it is not going to hold up.

Mr. Kidd said that it would be something to be addressed with the overall bond. The staff should verify that the overall bond is sufficient to deal with those types of issues. Apart from the bond, they would also have code enforcement and some ability to abate a dangerous condition. However, the best is to be sure that they are adequately bonded. He is comfortable that they are covered. Staff needs to ensure that the amount is enough. Mr. Nietupski's department has been involved.

Mr. Nietupski answered that the City Public Works Department will be doing inspection on the work as it progresses. They will be monitoring the site during the five year warranty. It will be the City's responsibility to make sure that things are going as planned.

Councilman Bell asked Mr. Kidd if part of the land was State land. Mr. Kidd said that is was the part on top.

Councilman Bell asked if there were any legal ramifications with Lowe's providing a performance bond to the City and asked if it also covered State land. Mr. Kidd responded that it covers the portion of the project that is delineated in the plans. One of the issues was the homeowners bond which just covers the slope that is behind the homeowners. The City has a much higher bond to cover the entire project.

Councilman Bell said that he was anxious to move ahead.

Councilman Luzius said that he had mention that a bill had been submitted to the contractor for the Lowe's project for the damage to the sewer line in the canyon. The contractor at the time took no responsibility for that. The citizens of Prescott had to pay \$8,000 to have the sewer replaced and repaired. This was done through negligence of Lowe's, just after the July 27 downpour. It severely damaged the integrity of that wall. He would like to see the bill paid. No one has come forward from staff. He does not see why citizens have taken this in the shorts.

Steve Blair, 1802 Northside Drive, said that as one of the Council members who approved the project, he said that they are sales tax partners with the City of Prescott. He did ask some questions last week concerning the bond, and thanked them for information. He asked at what point in time would Lowe's receive a permanent Certificate of Occupancy and the bonds be relinquished.

Mr. Neitupski said that the \$1.6 million is subject to release upon completion of the punch list items. When the remaining work of soil buttress and landscaping is completed, that portion of the bond would be released, subject to the retention of the \$385,000 for a five year warranty. The Certificate of Occupancy is something he cannot address. Mr. Guice said that Lowe's would receive the certificate at such time that the improvements are all completed.

Mr. Skyles commented that his responsibility was to oversee the development of new stores in the Western United States. He complimented all of the City, the Council, Mayor Wilson and particularly staff members who have worked through this very challenging project. It has taken longer than they would have liked. One of the results of that is they came up with a much better solution. At the end of the day they will have a landscape slope that will be better. He has worked with a lot of cities; he has been doing this for over 30 years. He does not ever recall a situation where a city has worked in a more businesslike, professional

basis to get this resolved. They have put a lot of resources in this. He thinks they have a solution that is best for the community. He thanked everyone for their support. He said that they are available to answer any additional questions.

COUNCILWOMAN SUTTLES MOVED TO ADOPT RESOLUTION 3978-1005; SECONDED BY COUNCILMAN LAMERSON; PASSED 6-1 WITH COUNCILMAN LUZIUS CASTING THE DISSENTING VOTE.

2. Amendment to Lowe's Site Plan, Grading Plan and Landscape Plan.

COUNCILWOMAN SUTTLES MOVED TO APPROVE LOWE'S AMENDED PORTIONS OF THE SITE, GRADING AND LANDSCAPE PLANS DATED JUNE 15, 2009, SUBJECT TO CITY DEPARTMENT COMMENTS WITHIN STAFF REPORT DATED JULY 7 AND 14, 2009 – S105-002A; SECONDED BY COUNCILMAN ROECKER; PASSED 6-1 WITH COUNCILMAN LUZIUS CASTING THE DISSENTING VOTE.

3. Approve the Memorandum of Understanding for Performance and Warranty Bond for the Lowe's Project.

COUNCILWOMAN SUTTLES MOVED TO APPROVE THE MEMORANDUM OF UNDERSTANDING FOR PERFORMANCE AND WARRANTY BOND FOR THE LOWE'S PROJECT; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- F. Approval of Amendment One to Contract 2009-136 with A. Miner Contracting, Inc. in the amount of \$262,688.48 for the Zone 39 Water Main and Pump Station Upgrade Project. (Pulled from Consent Agenda by Councilman Luzius)

Mr. Nietupski mentioned that the City stands to gain \$4 million in forgivable principle from the American Recovery Financing Act to implement Davis Bacon wages.

Councilman Luzius said that after pulling the agenda item he had the opportunity to speak with the residents. He has been supportive of the residents in Indian Hill area. He will not vote against this and have them take a loss of \$4 million in Federal funds. He has no objection.

COUNCILMAN LUZIUS MADE A MOTION TO APPROVE AMENDMENT ONE TO CONTRACT 2009-136 WITH A. MINER CONTRACTING, INC. IN THE AMOUNT OF \$262,688.48 FOR THE ZONE 39 WATER MAIN AND PUMP STATION UPGRADE PROJECT; SECONDED BY MAYOR WILSON; PASSED UNANIMOUSLY.

- G. Adoption of Ordinance No. 4708-1003 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the purchase of real properties, easements and improvements from Donald A. and Lindsey S. Kesterson, as Co-Independent Executrix (also described as “Co-Executor”) of the Estate of Davis a. Kesterson, and Lindsey S. Kesterson, individually, for the widening of Iron Springs Road, and authorizing the Mayor and City staff to take all necessary steps to effectuate said purchases. (Pulled from Consent Agenda by Councilman Luzius)

Mr. Nietupski commented that detailed sheets had been inserted in the packet for acquisition for right of way. The ordinance was updated to reflect changes in parcel numbers. Councilman Luzius thanked Mr. Nietupski for including that information in the packet.

COUNCILMAND LUZIUS MOVED TO ADOPT ORDINANCE NUMBER 4708-1003; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- H. Adoption of Resolution No. 3973-1004 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into an Animal Shelter Service Agreement with Yavapai Humane Society, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above. (Pulled from Consent Agenda by all Council)

Councilman Bell recused himself from the item as he may have a possible conflict.

Mr. Guice introduced the resolution.

Nancy Vargo, President of United Animal Fund, said she was glad to hear at the beginning of the meeting that they were honoring volunteers. She thanked the six council members who met with them, and the Mayor for saying the City Council would be the oversight committee if the contract is approved. They ask that the animal intake numbers and kill numbers be made public on a quarterly basis. They would like that the report be a quarterly report, not annual.

She also asked for post surgery medication for animals that receive spay/neuter or other surgery for the Humane Society. The shot that they are given after surgery lasts only two to three hours and three days worth of medication should be required. They have devoted a majority of their resources to the animal dogs over the last five years and they are proud of the record of life saving that they have accomplished. They have been trying to forge a working relationship with the Humane Society.

Mr. Adams recently suggested that if he gives United Animal Friends and other group's access to the animals, they would be sharing in the accountability of the kill rate. She said that it was absolutely wrong. The choice today is to give all of the money and the facility to a single agency, to put all of their resources with them. This is the last shot to modify the contract and make it more of a team effort to benefit the animals.

If this passes, United Animal Friends will refocus and reach out to cats that are on death row in Kingman, puppies that are abandoned in the heat in Phoenix, animals that in trouble in Prescott and elsewhere. She asked them to look out for dogs like Ranier. He was a stray who was found dragging his green leash. He was about nine months old and a Sheppard mix. United Animal Friends has been showing him at their adoption events the last three months. He was about to be killed, last night someone saw a Public Service Announcement that their volunteer put on Cable One. They called and said they were interested. One of their volunteers did a home visit and is working on the fence to make sure he will be safe.

Councilman Lamerson said that he thanks all of the animal rescue agencies. He said that it is difficult for people sitting here as human beings that affect animals. In no way will his vote cast dispersion on those volunteers who take their time and energy to support animals.

Councilman Luzius was wondering if anyone representing Yavapai Humane Society had any comments about the issues that Ms. Vargo brought forth. He was wondering if they could modify the contract to include those concerns.

Duane Adams, Yavapai Humane Society, 1625 Sundog Ranch Road said that the contract calls for monthly reporting to the City, it can be released to the citizens whenever they choose to do that.

The second issue was brought up about pain medication for surgical patients that went through spay/neuter clinics. Their clinics are inspected and certified by the State Veterinarian Board. Their surgeons are licensed veterinarians in the state of Arizona. They utilize pain management according to their own specifications. Every doctor has different feelings on pain management. They do not specify to a doctor as to what management they use. They ask that they do use some type of pain management to make sure that the animals are comfortable. He disagrees that it only last for a few hours. He is not a vet and not about to tell a doctor what to prescribe.

Ms. Vargo suggested that they have a vet check that out. The animals are the ones that pay the price. If some local vets make an opinion, they would know what is best for the animals.

COUNCILMAN LUZIUS MADE A MOTION TO ADOPT RESOLUTION 3973-1004; SECONDED BY COUNCILMAN ROECKER; PASSED 6-0 WITH COUNCILMAN BELL ABSTAINING.

- I. Continuance to public hearing on Granite Dells Ranch Rezoning RZ09-001 from July 14, 2009, to July 28, 2009.

Mr. McConnell introduced agenda item I which pertained to Granite Dells Ranch rezoning. The public hearing for this application was initially noticed for June 23, 2009. However, because of activity in the legislature, there was a question regarding impact fees; or whether the City of Prescott's impact fees, which were scheduled to take effect on July 11, 2009, would be sustained. That has passed, and even though the Legislature is in Special Session, this cloud has dissipated. He believes that they will be able to conduct the public hearing on July 28, however, they are recommending that the public hearing on the rezoning be continued to July 28.

COUNCILMAN BELL MOVED TO CONTINUE THE PUBLIC HEARING ON GRANITE DELLS RANCH REZONING RZ09-001 FROM JULY 14, 2009 TO JULY 28, 2009; SECONDED BY COUNCILMAN LUZIUS; PASSED UNANIMOUSLY.

- J. Recess into Executive Session.

MAYOR WILSON MADE A MOTION TO RECESS INTO EXECUTIVE SESSION; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

The Prescott City Council recessed into Executive Session at 4:08 p.m.

V. EXECUTIVE SESSION:

- A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to ARS §38-431.03(A)(3).
 - 1. Contractual issues associated with grant of easement for the City's 18" Chino Valley to Prescott water transmission line in the West Airport Area.
 - 2. Discussion of election process on charter amendment initiatives.

- B. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property, pursuant to ARS §38-431.03(A)(7).
 - 1. Acquisition of property in west Prescott for public infrastructure improvements.

VI. ADJOURNMENT

The Prescott City Council reconvened Open Session at 5:48 p.m. at which time the meeting adjourned.

JACK D. WILSON, Mayor

ATTEST:

ELIZABETH A. BURKE, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Voting Meeting of the City Council of the City of Prescott, Arizona held on the 14th day of July, 2009. I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2009.

AFFIX
CITY SEAL

ELIZABETH A. BURKE, City Clerk